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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CHARDE EVANS,

Plaintiff,

v.

WAL-MART STORES, INC., et al.,

Defendants.

2:10-CV-1224 JCM (VCF)

**ORDER**

Presently before the court is the matter of *Evans v. Wal-Mart Stores, Inc.*, case number 2:10-cv-01224-JCM-VCF.

On several occasions, the parties have filed a stipulation to stay the proceedings to mediate. (*See* docs. ## 34, 36, 40, 42, and 44). There is a pending motion to certify a class action, (doc. # 39), that was filed on July 24, 2012. No response or reply has been filed because of the parties' stipulations to mediate. Additionally, the court has not ruled on the outstanding motion.

The parties have filed another stipulation to postpone the briefing process of the pending motion and to mediate. The parties have also indicated they intend to file additional motions. In order for the parties to fully brief their issues and arguments, as well as participate in any further mediation the parties wish, the court finds it appropriate to deny as moot the current motion to certify class action (doc. # 39). The motion is denied without prejudice.

Plaintiff may re-file its motion to certify class action and defendant may file its proposed motion to dismiss, or, in the alternative, summary judgment depending on the outcome of the mediation.

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion to certify  
3 class action (doc. # 39) be, and the same hereby, is DENIED as moot. The motion is denied without  
4 prejudice and may be re-filed after the parties participate in their proposed mediation.

5 DATED February 12, 2013.

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8 UNITED STATES DISTRICT JUDGE